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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,785

09/26/2003

Kwang Soo Kim

9988.061.00-US

4353

30827 7590 01/22/2007
MCKENNA LONG & ALDRIDGE LLP
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WASHINGTON, DC 20006

EXAMINER

PATEL, RITA RAMESH

ART UNIT

PAPER NUMBER

1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/670,785

Applicant(s)

KIM ET AL.

Examiner

Rita R. Patel

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1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 10/26/06. Claims 1-17 are pending. Applicant's arguments have been considered, but are not persuasive. Thus, claims 1-17 are finally rejected for the reasons of record.

Firstly, the Office would like to make note of reasonably broad claim interpretations in claim 1; the Office supports applicant's mention of broad-based claims (Remarks, Paragraph 5), specifically, in independent claim 1, a reasonably broad interpretation of the claimed apparatus may interpret the claims divergent from applicant's original disclosure. For example, the claims may read on a gasket attached at the door of a washing machine which may continue and leads into the washing drum whereby a first water drainpipe hose is attached to the said gasket orifice and the other end of the so-called drainpipe is connected to a water draining hose that leads water out of the washing machine and towards a sewage system. This interpretation reads on applicant's claims for a gasket, drainpipe, and water draining hose because they are all "in communication" by way of holding and allowing water to travel, and/or communicate therethrough. However, it is duly noted in view of applicant's specification disclosure and drawings that the drainpipe and water draining hose are not in fact a singular pipe in straight communication connected from one end to the tub and the other end to a wastewater outlet, but rather two components that have distinct connections onto the gasket and tub. There clearly is a distinction between applicant's invention and this

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reasonably broad claim interpretation of applicant's claims; however, the applicant has failed to properly claim the invention and provide essential structural relationships in the claims that are in full disclosed by the specification and drawings in a manner that would allow one of ordinary skill in the art to put this invention together as supported by applicant's disclosure. Claim 1 fails to incorporate essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: clarifying structural "communication" of the apparatus components and clarifying delineation of "a second orifice provided at one side thereof". Albeit applicant's claim language is broad in scope, applicant's claim language also fails to clarify the invention presented by applicant's disclosure in a manner that would allow one of ordinary skill in the art to put together this invention accurately by following the claim language only because the claims fail to teach structural cooperative relationships necessary. Thus, in response to applicant's remarks that all of the issues raised by the Examiner are drawn to the breadth of the claims and not the clarity of the claims, this is refuted because the claim language is addressed in terms of both breadth (broad-based claims) and clarity; although the claims are broad, they also fail to provide clarity. It is noted that the breadth and clarity of the claims are separate features of the claims that have been addressed individually; one feature does not in turn presuppose the other, however, in this case, both breadth and clarity are remarked upon. The noted issues of clarity are essentially unrelated to the breadth of the claims, it is merely stated that the claims are both broad and lack clarity.

Re applicant's remarks that nowhere in the specification and claims does it state that the pipe must specifically be beneath the tub and thus this location cannot be construed as the only possible location, it is illustrated in applicant's drawings that this pipe is shown to be beneath the tub and in tandem, there is nothing to support in the specification or drawings of disclosed possibilities of how this apparatus would be put together in a different way than illustrated. Exemplary embodiments of this invention are not disclosed in the specification or drawings. Therefore, it is ambiguous what applicant means by stating re pipe affixment "this location cannot be construed as the only possible location"; if the single embodiment of the invention supported by the drawings and specification "cannot be construed as the only possible location" for the pipe, then what other embodiments are further construable? What exemplary features of this "communication" is applicant making reference to that are beyond the scope of a pipe 'connected to a lower/bottom side of the tub'? The Office notes that any embodiment beyond this suggestion may not be obvious to one of ordinary skill in the art at the time of the invention. Moreover, this potentially raises 35 USC 112, 1st paragraph issues regarding the scope of enablement of the apparatus as currently claimed. With respect to the claims language, the Office is not attempting to limit the scope by way of offering suggestive language, but merely clarify the structure of applicant's invention.

Allowable Subject Matter

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Dependent claims 2-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Suggestive language offered herein by the examiner for claim 1 is considered to distinguish patentably over the art of record in this application and thus making this application allowable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, limitation "a drainpipe, communicating with said tub to discharge water container in said tub, said drainpipe having a second orifice provided at one side thereof," fails to particularly point out and claim distinctly the subject matter which applicant regards as the invention. Specifically, the terms 'communicating' and phrase 'provided at one side thereof' are indefinite. It is unclear how the drainpipe is communicating with said tub, the term communicating is indefinite in that it may

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implicate communication that is in connection with the tub by a pipe found in a part that is not specifically beneath the tub. Also, it is unclear how the drainpipe's second orifice is connected to the drainpipe, by claiming the drainpipe's second orifice is 'provided at one side thereof' does not delineate a structural relationship as required by the actual invention. The Office suggests claim language such as 'connected to a lower/bottom side of the tub' in lieu of the word 'communicating', and 'located onto the side of said drainpipe' in lieu of 'provided at one side thereof', aids in clarification of such claims.

Additionally, in claim 1, a limitation claiming "a water drain hose, communicating the first orifice of said gasket with the second orifice of said drainpipe, to discharge water via said drainpipe" similarly fails to particularly point out and claim distinctly the subject matter which applicant regards as the invention. As explicated above, the term 'communicating' is unclear in claiming how the water draining hose actually connects the first orifice with the second orifice in view of the scope of the invention. The Office suggests it to be replaced with the phrase 'physically connecting' to further clarify and claim distinctly applicants invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bell (US Patent No. 2,968,174) and Searle et al. (US Patent No. 3,159,174). Bell teaches a washing machine apparatus with a rotating basket therein and seal surrounding the opening, however the seal is arguably within the tub and does not physically connect to the door and tub when closed. Also, Bell teaches the seal attached to a sump prior to connection to the liquid outlet of the tub. Searle teaches a system for a washing machine wherein an annular bellow is used to collect water and is thus attached to a drain pipe in the system, however the gasket is not installed within the tub of the washing apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

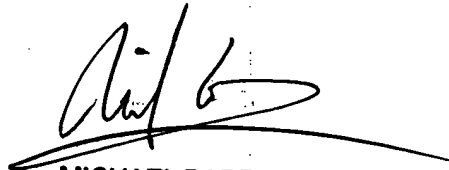
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rita R. Patel



MICHAEL BARR
SUPERVISORY PATENT EXAMINER